

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-MJ-8078-WM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVAN C. FUSCO,

Defendant.

_____ /

**UNOPPOSED MOTION TO CONTINUE PRETRIAL DETENTION
HEARING AND ARRAIGNMENT/PRELIMINARY HEARING**

The defendant, Kevan Fusco, through undersigned counsel, hereby files this Unopposed Motion to Continue Pretrial Detention Hearing and Arraignment/Preliminary Hearing, and in support thereof states:

1. Mr. Fusco has been charged by criminal complaint with conspiracy to possess with intent to distribute 50 grams or more of methamphetamine, conspiracy to possess with intent to distribute 40 grams or more of fentanyl, and possession with intent to distribute 50 grams or more of methamphetamine. (DE 1). Mr. Fusco has been arrested and remains in custody pending a detention hearing. (DE 8). Mr. Fusco's detention hearing is currently scheduled for March 17, 2022, and he is scheduled for an arraignment or preliminary hearing on March 24, 2022. (DE 8).

2. The parties are engaged in pre-indictment negotiations for potential resolution of this matter. The undersigned submits that the facts in this case are unusual, *see* 18 U.S.C. § 3161(h)(7)(B)(iii), and that precluding the opportunity to

engage in pre-indictment negotiations would result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

3. Accordingly, Mr. Fusco requests the Court continue his detention hearing and arraignment/preliminary hearing to April 8, 2022. The ends of justice served by this delay outweigh the interests of the defendant and of the public in a speedy trial under 18 U.S.C. § 3161(h), and the Court should deem the time period from the date of this motion up to and including April 8, 2022 as excludable from the time within which an information or indictment must be filed.

4. The undersigned has conferred with Assistant United States Attorney Daniel Funk who has advised the Government does not oppose this request.

Respectfully submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I HEREBY certify that on March 16, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices

of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/M. Caroline McCrae
M. Caroline McCrae